

Model Form For Use In Application for Habeas Corpus
Under 28.U.S.C § 2254

Name: Ivory James Johnson
Prison #: 02437935

United States Courts
Southern District of Texas
FILED
AUG 26 2024
Nathan Ochsner, Clerk of Court

Place of Confinement, Connally Unit

United State District Court Southern District of Houston

Cause No. _____

Ivory James Johnson
Petitioner Full Name

v.

C. Puente
Respondant Name Warden
and

The Attorney General of The State of Texas

1. This petition must be legibly handwritten or typewritten, and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
2. Additional pages are not permitted except with respect to the fact which you rely upon to support your ground for relief. No citation of authorities need be furnished. If brief or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
4. If you do not have the necessary filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the declaration on the last page, setting forth information establishing your inability to prepay the fees and cost or give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the Certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$, you must pay the filing fee as required by the rule of the district court.
5. Only judgment entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different state, you must file separate petition as to each court.
6. Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
7. When the petition is fully complete, the original and two copies must be mailed to the clerk of the United State District Court whose address is.
8. Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PETITION

1. Name and location of which entered the judgement of conviction under attack:
Harris County Courthouse 338 in Harris County Texas

2. Date of judgement of conviction

March 7 2023

3. Length of sentence 9 years

4. Nature of offense involved Aggravated Robbery w/Deadly Weapon

5. What was your plea

A). Not guilty ☒

B). Guilty ☐

C). Nolo Contendere ☐

6. Kind of trial

A). Jury ☒

B). Judge Only ☐

7. Did you testify in trial

A) Yes ☒

B) No ☒

8. Did you appeal from the judgment of conviction?

A) Yes ☒

B) No ☐

9. If you did appeal, answering the following

A). Name of Court : 1st Court of Appeal

B). Results : Was dismissed due to attorney fail to file date of sentencing, leaving defendant to file Prose Pass limitation.

C). Date of Result : (7/21/2023)

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petition, application, or motions with respect to this judgment in any court, state, or federal?

Yes ☒ No ☐

11. If yes to number 10, give following information

A) Name of Court : Court of Criminal Appeal of Texas

(2) Nature of proceeding : 11.07 Application

(3) Grounds raised: Scott Pope/Attorney refuse to tell me/
client

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result

(6) Date of Results

(B) as to any second petition, application or motion, give same information.

(1) Name of Court

(2) Nature of proceeding

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application, or motion?
Yes ☐ No ☐

(5) Results:

(6) Date of Results:

(C) as to any third petition, application or motion, give the same information

(1) Name of Court

(2) Nature of proceeding

(3) Ground raised

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☒ No ☐

(5) Results:

(6) Date of Results:

(d) Did you appeal to the highest State Court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc Yes ☒ No ☐

(2) Second petition, etc Yes ☐ No ☐

(3) Third petition, etc Yes ☐ No ☐

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12 State Concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

Caution:

In order to proceed in the federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you requested action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separating ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegation that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (A) through (J) or any one of these grounds.

- (A) Conviction obtain by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequence of the plea,
- (B) Conviction obtain by use of coerced confession
- (C) Conviction obtain by use of evidence gained pursuant to a unconstitutional search and seizure
- (D) Conviction obtain by use of evidence obtained pursuant an unlawful arrest.
- (E) Conviction obtained by a violation of the privilege against self-incrimination
- (F) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant
- (G) Conviction obtained by a violation of the protection against double jeopardy.
- (H) Conviction obtained by action of a grand jury or petit jury which was unconstitutionally selected and impaneled
- (I) Denial of effective assistance of counsel
- (J) Denial of rights to appeal.

A) Grand One: Denial of Effective Assistance of Counsel

Supporting Fact: Johnson's Testimony not documented

- The Court: Are we going to have an issue? ~~Hold on~~
a second. Because ~~What~~ we are not going to have is any
issue. Because if so I will put a gag on your mouth, so
that's up to you. But we ~~want~~ have any disruption, you
will be very respectful. Now let me know what your
desire is because if your desire is for me to put
something on your mouth, that's up to you. Are you going
to be able to contain yourself

- Johnson: Yes Ma'am

- The Court: All right thank you

Counsel do you need time to talk to your client

- Mr. Valles: Would you like some time to talk

- The Court: I'm not going to give you very much time though
because I don't want the jurors to be waiting. But if you
need to get any explanation I'll give you all that time.
I understand that you didn't have time to talk to him.
~~but~~ if not, we will go ahead and bring the jurors in

- Mr. Valles: Are you okay with bringing out the jurors?

- Johnson: I'm not comfortable with what's going on

- The Court: Okay, Now that's not going to stop the
Process. I need to know if you need to speak with
your client. Okay let's bring out the jurors

(Whereupon the jurors are present)

B) Grand Two: Denial of Right of Appeal

Supporting Fact: Certificate of Right to Appeal is
not signed, stating defendant not present, when he was,

C) Ground Three: The State Violate Due process Clause

Supporting Fact: There's no motion to support in-court line up

Supporting Fact: Johnson has right to fair trial the jurors and Johnson was removed from the Court through out the trial as Attorney hold Conversation with the Court outside client present.

Supporting Fact: State Used perjured testimony to obtain a conviction, there's no Latent Identifier Plus DNA Typing Result to Support Every Johnson match to DNA on Int door Jam.

D) Ground Four: Conviction Obtain by action of grand jury which was unconstitutionally

Supporting Fact: The indictment state the Crime Alledge April 11, 2015. The Grand jury Filed September 17, 2020, which Robert Valles refuse to argue

E) Ground Five: Prosecutorial Misconduct

Supporting Fact: The use of Faulty, Untrustworthy, or out date Scientific evidence. Supported by Lab report, DNA Typing Result.

Supporting Fact: The use of work product privilege as shield against disclosure of exculpatory or mitigating evidence

Supporting Fact: Childer Coach Victims

- Mr. Childer: And Earlier when the defense counsel was asking question about seeing photographs you said that no one -- that someone called you back in 2001. Did you mean 2021

- Victim Carlos: 2021 I'm sure

- Mr. Valles: IF i'm not mistaken in the police report you said he was about 6'2 to 6'4 does that sound correct
- Victim Carlos: I don't remember that measurement
- Mr. Valles: you just remember him being very tall
- Victim Carlos: He was tall
- Mr. Valles: Taller than you
- Victim Carlos: A little taller than myself
- Mr. Valles: How tall are you sir?
- Victim Carlos: 5'9, 5'11
- Mr. Valles: Is it 5'9 or 5'11
- Victim Carlos: 5'11

Supporting Fact: Victim state I never seen Johnson throughout Script

supporting Fact: The Only Identifier plus STR DNA Typing Results is a match to Carlos Rentira, shown on document.

Taylor: The partial DNA results obtain from Item 4-1 are **Consistent** with the DNA profile of an unknown male individual. Carlos Rentira is excluded a source of this DNA.

F) Ground Six: Expert Misconduct: False Testimony & Falsified documents

- Supporting Fact: There's no supporting Table of Identifier Plus STR DNA Typing Result on Trudy to support lab report.
- Supporting Fact: There's No pictures of Material, nor material presented in **Exhibit** to support DNA comes from Int door Jam as they state the inside of the vehicle door Jam with pictures of vehicle, shell, door handle.

Supporting Fact: Mr. Valles: As Taylor earlier in your testimony you started differentiating a little between blood, semen, Touch. And when you reference Touch, if I misunderstood, please correct me, you said there's no test for touch

- Taylor: Right we can't test for touch

- Mr. Valles: So in this situation the swab of an area where they believe a suspect graze, or put his DNA how is that connected then when you say there is no test for touch

- Taylor: That's correct

- Mr. Valles: So in this situation where a swab was taken of an area they believe might be a palm print, or a fingerprint, you go off material that's on the swab

You don't cut swab - Taylor: We cut the swab

Supporting Fact: Mr. Childer: So you don't have a test for touch in the serology lab, but how would you test for touch DNA going forward.

- Taylor: So we don't we just look at the case files and base on the story, if it's indicated that there may be some type of touch DNA or if there was an altercation or anything we will cut the sample. If it's a swab, or if it's like a large item, we may take some swabs and swab the material to try to collect any possible cellular material on there but we can't see it

- Mr. Childer: So you can't see it, but you can still do a DNA comparison potentially on a touch DNA case.

Speaking Code - Taylor: Right, if we swab it, or we cut it and send it for DNA analysis we may be able to generate a profile from it and make comparison.

G) Grand Seven: Ineffective Assistance of Counsel / Misconduct

Supporting Fact:

- Robert Valles denied client appeal after trial supported by certificate of rights to appeal state client not present where signature listed

- Robert Valles: Only Files One Motion, "during trial."

- Robert Valles: Take client to trial without speaking to client at all before trial

- supporting fact: The Court im not going to give you very much time though, Because I don't want the jurors to be waiting. But if you need any explanation ill give you all that time. I understand that you didnt have time to talk to him but if not, we will go ahead and bring out the jurors.

- Mr. Valles: Are you okay with bringing out the jurors

- Robert Valles Allows judge to violate Client 4th Amendment

- The Court: Are we going to have a issue?

Hold on a second. Because what we are next going to have an issue. Because if so i will put a gag on your mouth. So thats up to you. But we want have any discription. You will be very respectful

- Johnson: Yes Your Honor

- The Court: Even if you disagree with the procedure we are going to have to be respectful. There's a time and a place for everything, but you are going to have to be very respectful

Now let me know what your desire is because if your desire is for me to put something on your mouth. thats up to you. Are you going to be able to contain yourself.

- Johnson: Yes Ma'am

- The Court: All right thank you

counsel do you need time to talk with your client

- Mr. Valles: What if he likes him then to talk?
- The Court: I'm not going to give you very much time though. Because I don't want the jurors to be waiting. But if you need to get any explanation, I'll give you all of that time. I understand that you didn't have time to talk to him but if not, we will go ahead and bring out the jurors.
- Mr. Valles: Are you okay with bringing out the jurors?
- Johnson: I'm not comfortable with what's going on.

Supporting Fact: Fail to keep loyalty with client
going alone with the cat the swab
for touch DNA Expert says they
will have to cut to compare.
Supported under Expert Misconduct

H) Ground Eight: Tampered with ^{Transcript} testimony has been altered

Supporting Fact: - Johnson, testimony missing

- The Court: Are we going to have any issue?
Hold on a second. Because what we are not
going to have an issue. Because if so I will
put a gag on your mouth. --

Supporting Fact: Valles ask for explanation, not answer

- Mr. Valles: So in this situation the swab of an area where he believes a suspect grazed or put his DNA how is that connected then when you say there is no test for touch?
- missing testimony
- Taylor: That's correct

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Supporting fact: In the transcript there is nothing during the verdict, where the judge override not guilty verdict. Demanding jurors to come back for sentencing saying Every Johnson Guilty, when it was a hung jury.

I) Grand Nine: Fraud

Supporting Fact:

- Outdate Search Warrant
- Laboratory report has no support as its only one Table of Identifiler Plus STR DNA Typing Result that a Match to victim
- Defect on the date on indictment, pass limitation
- Exhibits presented is not Int door Jam of the inside of vehical. Exhibits has not been a positive Match to Johnson that's been presented in trial, nor DNA
- Detainer that the Court knew nothing about The Court? So you been incarcerated since 2018
- Bond report
- Forensic report
- Motions on behalf of the Court

II) Grand Ten: Judge Ramona Pattern Engaging in Corrupt Activity

Supporting Fact: In Harris County Criminal Docket Sheet it Shows Ramona ordering Scott Pope to represent me on prose appeal, after denying me right to appeal. Shown on certificate defendant not presented

Scott Pope Filed all application without Johnson knowledge of 11.07 to the Court of Appeal of Texas, after Johnson Filed Motion to waive representation shown on 1st Court of

Appeal docket sheet:

Scott Pope had his assistant Angela to write Johnson stating he will have to file Prose PDR, without given knowledge of grounds which raised in 11.07 writ, that was refuse,

- 13.) IF any of the grounds listed in 12 A, B, C, and D were not previously presented in any other court, state, Federal, state briefly what grounds were not presented, and give your reason for not presenting them.

None was listed. Judge Ramona engaged in corrupt Activity and ordered Scott Pope to interfere with my direct appeal, and 11.07 Filed by his assistant, whom fail to advise me of their doing up until it was time for PDR to be filed

- 14) Do you have any petition or appeal now pending in any court either, state, or Federal, as to the judgment under attack?

Yes ☐ No ☒

- 15) Give the names and address, if known, of each attorney who represented you in the following stages of the judgment under attack?

Robert Valles

3700 N. Main

Houston Tx 77009

24034720

Attorney Bar#

01938735

Attorney SPN#

Scott Pope

1300 Prairie St 13th Floor

Houston Tx 77002

24032959

Attorney Bar#

01902620

Attorney SPN#

16) Were you sentence on more than one count of an indictment, or more than one indictment, in the same court and at the same time

Yes ☐ No ☒

17) Do you have any future sentence to serve after you complete the sentence imposed by the judgement under attack?

Yes ☐ No ☒

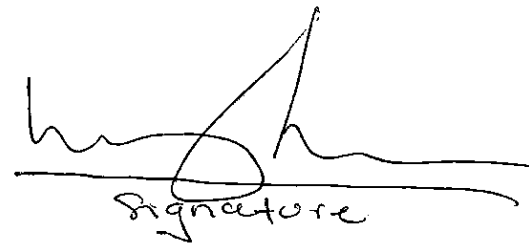
A) IF so give name and location of court which imposed sentence to be served in the future

B) And give date and length of sentence to be served in the future

C) Have you filed, or do you contemplate filing any petition attacking the judgement which imposed the sentence to be served in the future

Yes ☐ No ☒

Wherefore, Petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

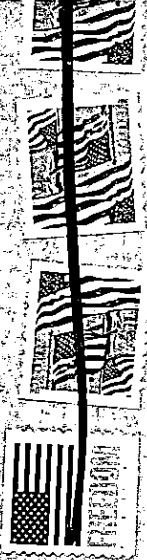

Signature

I declare under penalty of perjury that the foregoing is true and correct. Executed on

8/13/24

Date

Lyndal Jensen
Comally Unit
899 FM 632
Kenedy, Tx 76119



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